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2 UNITED STATES BANKRUPTCY COURT
3 EASTERN DISTRICT OF WASHINGTON
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7 In re:

8 DALE SLOAN and DEBBIE SLOAN

Bankruptcy No. 09-03626-FLK7

9 Debtors.
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11 ROBERT BRESHEARS, a single person,

Adversary No. 09-80133-FLK

12 Plaintiff,

13 vs.

PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW, COMBINED WITH
RECOMMENDATION REGARDING
PLAINTIFF'S REQUEST FOR ENTRY OF
DEFAULT JUDGMENT

14
15 DALE SLOAN and DEBBIE SLOAN,
16 husband and wife, and GERALD L. GROENIG
17 and BETH MARIE GROENIG, husband and wife,

18 Defendants.
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21 The Bankruptcy Court has examined the records in this Adversary Proceeding and finds it to
22 be a noncore proceeding and for that reason the Bankruptcy Court is without authority to enter a final
23 judgment. The Plaintiff has requested the entry of a default judgment. A copy of the proposed
24 default judgment against Gerald L. Groenig and Beth Marie Groenig is attached hereto as Exhibit A.
25 This Court has determined that the default judgment should be entered based upon the declaration of
26 Michael F. Shinn in support of the motion for default judgment and the affidavit of Robert
27 Breshears.

28 Proposed Findings and Conclusions
and Recommendations

-1-

1 FINDINGS

2 This Court now finds that the second amended complaint filed on October 25, 2010, along
3 with the summons issued on October 28, 2010, were served upon Gerald L. Groenig and Beth Marie
4 Groenig as demonstrated by the certification of service filed on November 3, 2010. The Court
5 further finds that the defendants failed to plead or otherwise defend within the time prescribed by law
6 and rule. The Court further finds that on November 1, 2010, the plaintiffs duly and timely requested
7 the entry of a judgment by default which is supported by the declaration signed by Michael Shinn
8 and filed on the same day. This Court entered an order of default on December 10, 2010.

9
10 CONCLUSIONS

11 This Court concludes the plaintiff is entitled under applicable law to the entry of judgment by
12 default.

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14 RECOMMENDATION

15 Therefore it is recommended that the District Court award default judgment to the plaintiff in
16 the principal judgment amount of \$665,000.00, plus prejudgment and postjudgment interest as
17 itemized on attached Exhibit A.

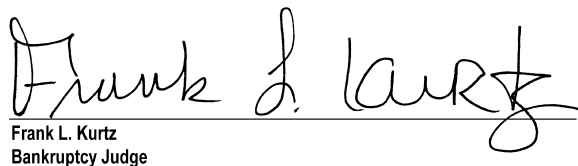
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19 OBJECTIONS

20 As provided in Federal Rule of Bankruptcy Procedure 9033(b), within 14 days after being
21 served with these proposed findings of fact and conclusions of law a party may file and serve a
22 written objection with the Clerk of the United States Bankruptcy Court, Eastern District of
23 Washington. The objection shall identify the specific proposed findings and conclusions objected to
24 and state the grounds for such objection. A party may respond to another party's objection within 14
25 days after being served with a copy of the objection. A party objecting to the bankruptcy judge's
26 proposed findings or conclusions shall arrange promptly for the transcription of the record, or such

27
28 Proposed Findings and Conclusions
and Recommendations

1 portions thereof as all parties may agree upon or the bankruptcy judge deems sufficient. Any
2 objections and applicable pleadings or documents will be forwarded by the Clerk of the Bankruptcy
3 Court to the Clerk of the United States District Court.

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Frank L. Kurtz
Bankruptcy Judge

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Proposed Findings and Conclusions
and Recommendations

-3-

Exhibit A

Michael F. Shinn, WSBA 14679
Velikanje Halverson P.C.
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Fax (509) 453-6880
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HONORABLE FRANK L. KURTZ

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

In Re:

DALE SLOAN and DEBBIE SLOAN

Debtors,

ROBERT BRESHEARS, a single person,

Plaintiff,

v.

DALE SLOAN and DEBBIE SLOAN,
husband and wife, and GERALD L.
GROENIG and BETH MARIE GROENIG,
husband and wife,

Defendants.

Case No.: 09-03626-FLK7

Adv. Pro. No. 09-80133-FLK

DEFAULT JUDGMENT AGAINST
DEFENDANTS GERALD L.
GROENIG AND BETH MARIE
GROENIG

JUDGMENT SUMMARY

JUDGMENT CREDITOR

: ROBERT BRESHEARS, a single
person

JUDGMENT DEBTOR

: GERALD L. GROENIG AND
BETH MARIE GROENIG,
husband and wife

DEFAULT JUDGMENT - 1

Velikanje Halverson P.C.
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2 PRINCIPAL JUDGMENT AMOUNT : \$665,000
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4 PRE-JUDGMENT INTEREST RATE : 12% per annum
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6 PREJUDGMENT INTEREST : \$290,122.19
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8 TOTAL JUDGMENT : \$955,122.19
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10 POST-JUDGMENT INTEREST
11 RATE : .13% per annum
12
13 ATTORNEY'S FOR JUDGMENT
14 CREDITOR : MICHAEL F. SHINN of
15 VELIKANJE HALVERSON P.C.
16
17 JUDGMENT DEBTORS : No attorney appearing for
18 Defendant

19 THIS MATTER having been presented upon the request of the Plaintiff
20 for Default Judgment, pursuant to FRBP 7055(b)(1), following the entry of an
21 Order of Default against the Defendants Gerald L. Groenig and Beth Marie
22 Groenig, husband and wife, Plaintiff having made its request for entry of
23 Default Judgment by the Clerk, and supported by the Affidavit of Robert
24 Breshears showing the amount due, now, therefore, the aforementioned
25 Judgment is entered against the Defendants Gerald L. Groenig and Beth Marie
26 Groenig, husband and wife, in the principal amount of \$665,000, with pre-
27 judgment interest thereon of \$290,122.19 through December 12, 2011, for a
28 total judgment of \$955,122.19.
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DEFAULT JUDGMENT - 2

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5 Presented by:

6
7 s/Michael F. Shinn, WSBA 14679
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9 Attorneys for Robert Breshears
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DEFAULT JUDGMENT - 3

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